



Dyersburg Public Safety Communications

General Order

Subject: Retention and Release of Records	Number 3-1	Review Frequency Annually
Authorizing Signature: <i>Bob Veal</i>	Effective 10/11/07	New X Amended Supersedes All Others

POLICY:

The State of Tennessee has enacted statutory requirements governing the security, privacy and dissemination of public safety records information. All personnel of the PSCC will understand and comply with these laws, rules and regulations.

PURPOSE:

The purpose of this general order is to establish guidelines to insure the security, privacy and proper dissemination of public safety records information by all personnel of the PSCC.

DEFINITIONS:

1. General

a. PSCC Records

Records of the PSCC that deal with law enforcement incidents shall be considered as a part of the law enforcement record. Records of fire/ems incidents shall be considered as part of the fire record. Employee evaluations, disciplinary action, training records, application, employment background, etc are considered as part of the PSCC employee 201 file. All other files used by the PSCC are considered as general purpose records.

b. Confidential Records

(1) The following records are to be maintained as "confidential" for use by the appropriate service provider agency for legal purposes only:

- aa. Any records that are relevant to any pending or contemplated criminal action. (Appman v. Worthington, Tenn. Sup. Ct. 1987);
- bb. Child sex abuse reports; TCA 37-1-612;
- cc. Identity of persons reporting adult abuse; 71-6-118;
- dd. Juvenile records TCA 37-1-154 ;

- ee. Any information received from a government provider whose rules and regulations prohibit the public dissemination of such information. (ie NCIC/TCIC, etc.);
- ff. Any information from any document, that would identify the home or work address, any telephone numbers, social security numbers, and any other information that could reasonably be used to locate the whereabouts of a victim of domestic violence, or location of a safehouse, TCA 10-7-504;
- gg. Personal information of any undercover police officer that would identify his or her address, home telephone number and or family members, where if the release of information has potential to threaten the safety of the officer or their immediate family, TCA 10-7-504; and
- hh. Personal information from employee files (unpublished telephone numbers, financial and medical information, social security numbers, drivers license information, and immediate household or family members, and Employee Assistance Program participation), TCA 10-7-504.

PROCEDURES:

1. Release of Information

It is recognized that the State of Tennessee has an open records act that provides for the inspection of records in the possession of government service providers. The PSCC will cooperate with the request for the release and inspection of any information, when authorized by Tennessee law.

- a. No PSCC record will be released, where the record is considered within the definition of a "confidential record", as defined above, without the permission of the Attorney General. If a court order is issued, then the requested records will be reviewed by the Attorney General, prior to release. Depending on the type of record (police or fire) then the appropriate Department Head (police or fire) shall also be notified of any court ordered, or Attorney General approved release of records that meet the definition of "confidential", prior to the release.
- b. Outside request for release of records (ie attorney, media, citizens, etc) shall be reviewed for approval by the service provider department head. All approved request for release will be sent to the appropriate service provider agency records unit for final release.
- c. Service providers who need copies of records for documentation or investigation shall be directed to the Communications Supervisor who will arrange for the requested data. Copies of voice recordings shall require approval of the requesting parties supervisor.
- d. No member of the PSCC, shall publicly divulge any information from the records of the operation, unless under court order or with the permission of the Department Head.

2. Restricted Access Information

- c. NCIC information is restricted to law enforcement use only. Public dissemination is prohibited. NCIC rules require certain data to be recorded when criminal history information is requested. The dispatcher shall ensure that all NCIC logs are complete and accurate, as required by NCIC. All NCIC/TCIC, and other "confidential printed reports" that the member generates during the work-day shall be shredded before the member is relieved at the end of their duty shift.

- c. TCA 10-7-504 allows public release of 911 data base records, with exception of “unpublished” telephone numbers. Both “published and unpublished” numbers shall be provided to the local county election commission as requested. Although allowed by TCA, the employees of this agency shall treat all 911 data-base records as confidential and shall not release any information from the records to the general public. Information may be released to law enforcement for investigative purposes, and may be released to the county election commission. This is due in part to the agencies inability to distinguish a “published” number from an “unpublished” number.

3. Fee Collection for Records

- a. The following types of releases shall be accomplished without any document fee assessment:

- (1) Any court ordered (subpoena) release of records used in a criminal procedure.
- (2) Request by public safety providers
- (3) Request by attorneys for criminal trial preparation
- (4) Media inquires

- b. The following types of releases shall be accomplished with document copy fee assessment:

- (1) Public release
- (2) Subpoena for civil trials
- (3) Media request that take more than 30 minutes to research/prepare.

- c. The following “document fee” schedule and procedures shall be used:

- (1) \$10.00 for a single event copy of a CAD record.
- (2) For multiple event CAD records, the “document fee” shall be calculated at \$30.00 per hour, rounded up to the nearest hour, for time spent in researching and preparing the data.
- (3) \$15.00 for voice recordings that takes less than 30 minutes to research and prepare.
- (4) For voice recordings that take more than 30 minutes to research and prepare, the cost fee shall be calculated at \$30.00 per hour, rounded up to the nearest hour, for time spent in researching and preparing the data. Request that are time consuming and or requires a significant amount resources (ie tapes and or paper), shall have the fee calculated based on the estimated fair cost of the materials and time spent in preparing the records.
- (5) All legal requests for voice recordings shall be provide on a CD-R, with security validation encoding. All other request may be e-mailed, provided on a CD-R, or other approved media.
- (6) When a “request for records” form is received, the communications supervisor shall submit the request to the appropriate agency for review and release approval. Once approval has been granted, then the communications supervisor shall forward the “request form” to the appropriate service provider records unit. The form shall contain the cost for document research and production. No documents will be produced for release until the document fee has been paid; once payment is received, then the requested documents shall be sent to the appropriate records unit for release.

4. Records Retention Schedule

- a. The following retention schedule shall be used:

- (1) Radio and telephone voice recordings shall be retained for 5 years.
- (2) Tow service logs, agency memos, long distance telephone logs, Union Mission Clearance logs, repo logs, hot sheet, roll call briefings, and all other records not listed in this section, shall be maintained for (5) five years.
- (3) Personnel files shall be maintained indefinitely.
- (4) NCIC records shall be maintained according to the NCIC rules for records retention.
- (5) CAD records shall be maintained indefinitely.
- b. Special attention must be given to the manner in which records are destroyed. It is extremely important to ensure that expired records are properly disposed of. All expired records shall be either burned, or shredded. The Communications Supervisor shall witness the destruction.

5. Media Relations

Every effort shall be made to ensure that cooperation is extended to the media, regarding media inquires and press releases. Only the Department Head and or their designee, shall have the authority to issue any release of information to the media, about PSCC operations. The following procedures for media release shall be followed:

- a. All employees shall direct media inquires to the Department Herd.
- b. The Department Head shall assist the media in covering stories that involve 911 operations.
- c. The Department Head, or his designee, shall be available for media inquires at all times.
- d. Prepare and distribute media releases as required.
- e. Arranging and assisting with news conferences, as required.
- f. No information about victims, suspects or wittiness's will be released by the PSCC. These type of media inquires must be authorized and coordinated through the applicable Police and/or Fire Media Public Information Officer.
- g. Assisting the media during agency crisis situations.
- h. No information shall be released regarding any active confidential internal agency investigation. Only an acknowledgement of an investigation shall be made, when there is a media inquiry. At the conclusion of an internal investigation, certain information may be released so long as it does not violate other provisions of this policy and/or applicable state laws. Special care shall be given to ensure that confidential information is protected (see section 1b of this policy).
- i. No information shall be released about confidential agency operations.
- j. Media inquires that involve the Dyersburg Police and or Dyersburg Fire Department, shall be directed to the applicable Public Information Officer within those departments. No information shall be released until it has been authorized by either the agency Chief, and/or coordinated through the applicable department Public Information Officer.